IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO.92 OF 2004

The Commissioner of Income Tax-V,
Pune .. Appellant

v/s.

Vighnahar Sahakari Sakhar
Karkhana Limited .. Respoondent

Ms.S.V.Bharucha i/by Mr.S.S.Sarkar for appellant.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 17th December, 2004

P.C.

Heard.

2. The following substantial question of law has been proposed in the memorandum of appeal:-

> Whether on the facts and in the circumstances of the case and in law, the ITAT is justified in deleting the additions of Rs.34,71,804/- claimed by the assessee as deduction from sugarcane bills by not treating as 'trading receipts"?

3. The learned counsel for the revenue fairly stated that the said issue stands concluded by the judgment of the Supreme Court in the case of Siddheshwar Sahakari Sakhar Karkhana Ltd. v. Commissioner of Income Tax and ors., 270 ITR 1. In view thereof, the finding of the Tribunal cannot be said to suffer from any legal infirmity.

4. No substantial question of law arises.

Dismissed in limine.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)